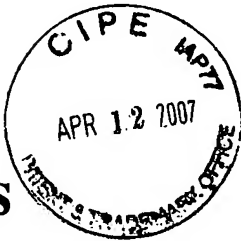


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April 9, 2007

Mail Stop Appeal Brief - Patents
Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, Virginia 22313-1450

RE: U.S. Patent Application of Kenneth J. Taggart, Sr., et al.
Entitled: "Geared Serpentine Belt Tool"
Serial No.: 10/800,843
Our Ref: 17745/09100-RCE

Dear Sir:

The following are being transmitted herewith:

1. Transmittal sheet (original plus 1 copy (2 sheets))
2. Appeal Brief Under 37 C.F.R. §41.37 (26 sheets)
3. Check in the amount of \$500.00
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Please charge any deficiency or credit any overpayment required by this action to our Deposit Account No. 50-1196, for which purpose an extra copy of this transmittal letter is attached.

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Reg. No. 51,504

I hereby certify that this paper and any referenced attachment and/or fee are being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Signature



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of:

Kenneth J. Taggart, Sr., et al.

Serial No.: 10/800,843

Filed: March 15, 2004

For: Geared Serpentine Belt Tool

Confirmation No.: 1531

Group Art Unit: 3723

Examiner: Meislin, Debra S.

Docket No. 17745/09100-RCE

APPEAL BRIEF UNDER 37 C.F.R. §41.37

Mail Stop Appeal Brief - Patents
Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is an appeal from the decision of Examiner Debra S. Meislin, Group Art Unit 3723, of October 26, 2006, rejecting claims 1 through 16 in the present application and making the rejection FINAL.

I. REAL PARTY IN INTEREST

The real party in interest is Easco Hand Tools, Inc., a corporation established under the laws of the State of Delaware and having a principal place of business at 125 Powder Forest Drive, Simsbury, Connecticut 06070, U.S.A. (hereinafter "Easco"). Easco is a Delaware corporation and is a wholly-owned affiliate of Danaher Corporation, a Delaware corporation, headquartered in 2099 Pennsylvania Avenue, NW, Washington, DC 20006.

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II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF THE CLAIMS

Claims 1 through 16 are pending in the present application. Claims 1 through 16 were rejected by the FINAL Office Action and are the subject of this appeal.

IV. STATUS OF AMENDMENTS

No amendments have been made or requested since the mailing of the FINAL Office Action and all amendments submitted prior to the FINAL action have been entered. A copy of the currently pending claims is attached hereto as Appendix, section IX.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Embodiments of the claimed subject matter are illustrated in FIGs. 1 through 8 and are discussed in the specification at least at pages 4 through 7.

Embodiments of the claimed subject matter, such as those defined by claim 1, define a serpentine belt tool (see, e.g., Figs. 1-4 and page 4, line 16 - page 6, line 7) for removal and installation of a serpentine belt in a vehicle comprising a drive bar (see, e.g. Figs 1 and 8, reference numeral 10, and page 4, lines 16-21; page 5, line 18 - page 6, line 4; page 7, line 3) having a handle (see, e.g., Figs. 1 and 8, reference numeral 16, and page 4, line 18) at a first end and a fitting (see, e.g., Figs 1 and 8, reference numeral 18, and page 4, lines 18-20; page 5, lines 1-5 and lines 18-20) at an opposite second end, wherein said fitting (see, e.g., Figs 1 and 8, reference numeral 18) is disposed at a fixed angle relative to said drive bar (see, e.g., Figs 1 and 8, reference numeral 10), a double box end wrench (see, e.g., Figs 2, 3 and 8, reference numeral 12, and page 4, lines 16-17; page 5, lines 1-5 and lines 18-20; page 6, lines

4-7; page 7, line 3) having a first end defining a polygonally shaped opening (see, e.g., Figs. 2, 3 and 8, reference numeral 20, and page 5, lines 1-5 and lines 18-20; page 6, line 4) that is sized and shaped to receive said drive bar fitting (see, e.g., Figs 1 and 8 reference numeral 18 and page 4, lines 18-20; page 5, lines 1-5 and lines 18-20), and an opposite second end defining a ratcheting wrench (see, e.g., Figs. 2, 3 and 8, referenced numeral 22, and page 5, lines 4-7, lines 14-17 and lines 20-21; page 6, lines 5-9) having a first plurality of teeth (see, e.g., Figs 2, 3 and 8, reference numeral 24, and page 5, lines 6-8, lines 11-12 and lines 20-21; page 6, line 11) on an inner circumference thereof, and a socket (see, e.g., Figs 4 and 8, reference numeral 14, and page 4, line 17; page 5, lines 11-13 and lines 20-21; page 8, line 3) having a first end defining a second plurality of teeth (see, e.g., Fig 4, reference numeral 26, page 5, lines 11-12 and lines 20-21) on an outer circumference thereof, said socket second plurality of teeth being adapted to be received by said ratcheting wrench first plurality of teeth (see, e.g., Figs 2-4, reference numerals 24 and 26, and page 5, lines 11-12), and an opposite second end defining one of a polygonally shaped opening (see, e.g., Fig. 4, reference numeral 32, and page 5, lines 12-14 and lines 21-22) and a polygonally shaped tang (see, e.g., Figs 5, 6 and 8, reference numeral 42 and page 6, lines 9-15 and lines 17-18) adapted to be received by a work piece of a vehicle idler pulley (see, e.g., Figs. 4-8, reference numerals 32 and 42, and page 5, lines 13-17 and lines 21-22; page 6, lines 11-14) wherein said drive bar handle (see, e.g., Figs. 1 and 8, reference numeral 16) is moveable between a first direction that applies torque to the idler pulley work piece, and a second direction that causes said drive bar handle to move relative to said socket (see, e.g., page 5, line 11 - page 6, line 7).

Embodiments of the claimed subject matter, such as those defined by claim 2, further define the serpentine belt tool of claim 1, comprising a crow foot wrench (see, e.g., Fig. 8,

reference numeral 44, page 6, lines 16-21; page 7, line 4) having a first end defining one of a polygonally shaped opening (see, e.g., Fig. 8, reference numeral 46, and page 6, lines 17-18) and a polygonally shaped tang therein that receives said one of said socket second end polygonally shaped tang (see, e.g., Figs 5, 6 and 8, reference numeral 42 and page 6, lines 9-15 and lines 17-18) and said polygonally shaped opening, and a second end having an open end wrench (see, e.g., Fig. 8, reference numeral 48, and page 6, lines 18-21) formed thereon to receive the idler pulley work piece.

Embodiments of the claimed subject matter, such as those defined by claim 3, further define the serpentine belt tool of claim 1, comprising a blow molded case (see, e.g., Fig. 8, reference numeral 50, and page 7, lines 1-6) defining a plurality of recessed areas for receiving said drive bar, said double box end wrench and said socket of said serpentine belt tool.

Embodiments of the claimed subject matter, such as those defined by claim 4, define a serpentine belt tool (see, e.g., Figs. 1-4 and page 4, line 16 - page 6, line 7) for removal and installation of a serpentine belt in a vehicle comprising a drive bar (see, e.g. Figs 1 and 8, reference numeral 10, and page 4, lines 16-21; page 5, line 18 - page 6, line 4; page 7, line 3) having a fitting (see, e.g., Figs 1 and 8, reference numeral 18, and page 4, lines 18-20; page 5, lines 1-5 and lines 18-20) disposed thereon at a fixed angle relative to said drive bar (see, e.g., Figs 1 and 8, reference numeral 10), a socket (see, e.g., Figs 4 and 8, reference numeral 14, and page 4, line 17; page 5, lines 11-13 and lines 20-21; page 8, line 3) adapted to be removably coupled to an idler pulley work piece (see, e.g., Figs. 4-8, reference numerals 32 and 42, and page 5, lines 13-17 and lines 21-22; page 6, lines 11-14), and a double box end wrench (see, e.g., Figs 2, 3 and 8, reference numeral 12, and page 4, lines 16-17; page 5, lines 1-5 and lines 18-20; page 6, lines 4-7; page 7, line 3) having at least one ratcheting end

(see, e.g., Figs. 2, 3 and 8, referenced numeral 22, and page 5, lines 4-7, lines 14-17 and lines 20-21; page 6, lines 5-9), said double box end wrench being adapted to be removably attached to said drive bar (see, e.g., Figs 1 and 8 reference numeral 18 and page 4, lines 18-20; page 5, lines 1-5 and lines 18-20) and said socket (see, e.g., Figs 2-4, reference numerals 24 and 26, and page 5, lines 11-12), wherein said drive bar handle (see, e.g., Figs. 1 and 8, reference numeral 16, and page 4, line 18) is moveable between a first direction that operates on the idler pulley work piece, and a second direction that causes said drive bar handle to move relative to said socket (see, e.g., page 5, line 11 - page 6, line 7).

Embodiments of the claimed subject matter, such as those defined by claim 5, further define the serpentine belt tool of claim 4, wherein the socket (see, e.g., Figs 4 and 8, reference numeral 14, and page 4, line 17; page 5, lines 11-13 and lines 20-21; page 8, line 3) further comprises one of a polygonally shaped opening (see, e.g., Fig. 4, reference numeral 32, and page 5, lines 12-14 and lines 21-22) and a polygonally shaped drive tang (see, e.g., Figs 5, 6 and 8, reference numeral 42 and page 6, lines 9-15 and lines 17-18).

Embodiments of the claimed subject matter, such as those defined by claim 6, further define the serpentine belt tool of claim 5, comprising a crow foot wrench (see, e.g., Fig. 8, reference numeral 44, page 6, lines 16-21; page 7, line 4) defining one of a polygonally shaped opening (see, e.g., Fig. 8, reference numeral 46, and page 6, lines 17-18) and a polygonally shaped tang therein that receives said one of said socket second end polygonally shaped tang (see, e.g., Figs 5, 6 and 8, reference numeral 42 and page 6, lines 9-15 and lines 17-18) and said polygonally shaped opening, and an open end wrench (see, e.g., Fig. 8, reference numeral 48, and page 6, lines 18-21) to receive the idler pulley work piece.

Embodiments of the claimed subject matter, such as those defined by claim 7, further defining the serpentine belt tool of claim 4, wherein the double box end wrench defines a polygonally shaped box (see, e.g., Figs. 2, 3 and 8, reference numeral 20, and page 5, lines 1-5 and lines 18-20; page 6, line 4) at a first end opposite said ratcheting wrench.

Embodiments of the claimed subject matter, such as those defined by claim 8, further define the serpentine belt tool of claim 7, wherein said polygonally shaped box end couples to said drive bar (see, e.g., Figs 1 and 8 reference numeral 18 and page 4, lines 18-20; page 5, lines 1-5 and lines 18-20) and said ratcheting wrench releasably receives said socket (see, e.g., Figs 2-4, reference numerals 24 and 26, and page 5, lines 11-12).

Embodiments of the claimed subject matter, such as those defined by claim 9, define a serpentine belt tool for removal and installation of a serpentine belt in a vehicle comprising a drive bar (see, e.g. Figs 1 and 8, reference numeral 10, and page 4, lines 16-21; page 5, line 18 – page 6, line 4; page 7, line 3) having a handle (see, e.g., Figs. 1 and 8, reference numeral 16, and page 4, line 18) at a first end and a fitting (see, e.g., Figs 1 and 8, reference numeral 18, and page 4, lines 18-20; page 5, lines 1-5 and lines 18-20) at an opposite second end, wherein said fitting is disposed at a fixed angle relative to said drive bar (see, e.g., Figs 1 and 8, reference numeral 10), a wrench (see, e.g., Figs 2, 3 and 8, reference numeral 12, and page 4, lines 16-17; page 5, lines 1-5 and lines 18-20; page 6, lines 4-7; page 7, line 3) having a first end defining a hex shaped opening (see, e.g., Figs. 2, 3 and 8, reference numeral 20, and page 5, lines 1-5 and lines 18-20; page 6, line 4) that is sized to releasably receive said drive bar fitting (see, e.g., Figs 1 and 8 reference numeral 18 and page 4, lines 18-20; page 5, lines 1-5 and lines 18-20), and an opposite second end defining a ratcheting wrench (see, e.g., Figs. 2, 3 and 8, referenced numeral 22, and page 5, lines 4-7, lines 14-17 and lines 20-21;

page 6, lines 5-9) having a first plurality of teeth (see, e.g., Figs 2, 3 and 8, reference numeral 24, and page 5, lines 6-8, lines 11-12 and lines 20-21; page 6, line 11) on an inner circumference thereof, and a socket (see, e.g., Figs 4 and 8, reference numeral 14, and page 4, line 17; page 5, lines 11-13 and lines 20-21; page 8, line 3) having a first end defining a second plurality of teeth (see, e.g., Fig 4, reference numeral 26, page 5, lines 11-12 and lines 20-21) on an outer circumference thereof, said socket second plurality of teeth being adapted to be releasably received by said ratcheting wrench first plurality of teeth (see, e.g., Figs 2-4, reference numerals 24 and 26, and page 5, lines 11-12), and an opposite second end defining one of a hexagonally shaped opening (see, e.g., Fig. 4, reference numeral 32, and page 5, lines 12-14 and lines 21-22) and a square shaped tang (see, e.g., Figs 5, 6 and 8, reference numeral 42 and page 6, lines 9-15 and lines 17-18) adapted to be received by a work piece of a vehicle idler pulley (see, e.g., Figs. 4-8, reference numerals 32 and 42, and page 5, lines 13-17 and lines 21-22; page 6, lines 11-14), wherein said drive bar handle (see, e.g., Figs. 1 and 8, reference numeral 16) is moveable between a first direction that applies torque to the idler pulley work piece, and a second direction that causes said drive bar handle to move relative to said socket (see, e.g., page 5, line 11 - page 6, line 7).

Embodiments of the claimed subject matter, such as those defined by claim 10, further define the serpentine belt tool of claim 9, comprising a crow foot wrench (see, e.g., Fig. 8, reference numeral 44, page 6, lines 16-21; page 7, line 4) having a first end defining one of a square shaped opening (see, e.g., Fig. 8, reference numeral 46, and page 6, lines 17-18) and a hexagonally shaped tang (see, e.g., Figs 5, 6 and 8, reference numeral 42 and page 6, lines 9-15 and lines 17-18) and a second end having an open end wrench (see, e.g., Fig. 8, reference numeral 48, and page 6, lines 18-21) formed thereon to receive the idler pulley work piece.

Embodiments of the claimed subject matter, such as those defined by claim 11, further define the serpentine belt tool of claim 9, comprising a blow molded case (see, e.g., Fig. 8, reference numeral 50, and page 7, lines 1-6) defining a plurality of recessed areas for receiving said drive bar, said double box end wrench and said socket of said serpentine belt tool.

Embodiments of the claimed subject matter, such as those defined by claim 12, define a serpentine belt tool for removal and installation of a serpentine belt in a vehicle comprising a drive bar (see, e.g. Figs 1 and 8, reference numeral 10, and page 4, lines 16-21; page 5, line 18 – page 6, line 4; page 7, line 3) having a fitting (see, e.g., Figs 1 and 8, reference numeral 18, and page 4, lines 18-20; page 5, lines 1-5 and lines 18-20) disposed thereon at a fixed angle relative to said drive bar (see, e.g., Figs 1 and 8, reference numeral 10), socket (see, e.g., Figs 4 and 8, reference numeral 14, and page 4, line 17; page 5, lines 11-13 and lines 20-21; page 8, line 3) adapted to be removably coupled to an idler pulley work piece (see, e.g., Figs. 4-8, reference numerals 32 and 42, and page 5, lines 13-17 and lines 21-22; page 6, lines 11-14), and a wrench (see, e.g., Figs 2, 3 and 8, reference numeral 12, and page 4, lines 16-17; page 5, lines 1-5 and lines 18-20; page 6, lines 4-7; page 7, line 3) having at least one ratcheting end (see, e.g., Figs. 2, 3 and 8, referenced numeral 22, and page 5, lines 4-7, lines 14-17 and lines 20-21; page 6, lines 5-9), said wrench being adapted to be removably attached to said drive bar (see, e.g., Figs 1 and 8 reference numeral 18 and page 4, lines 18-20; page 5, lines 1-5 and lines 18-20) and said socket (see, e.g., Figs 2-4, reference numerals 24 and 26, and page 5, lines 11-12), wherein said drive bar handle is moveable between a first direction that operates on the idler pulley work piece, and a second direction that causes said drive bar handle to move relative to said socket (see, e.g., page 5, line 11 - page 6, line 7).

Embodiments of the claimed subject matter, such as those defined by claim 13, further define the serpentine belt tool of claim 12, wherein the socket further comprises one of a hexagonally shaped opening (see, e.g., Fig. 4, reference numeral 32, and page 5, lines 12-14 and lines 21-22) and a square shaped drive tang (see, e.g., Figs 5, 6 and 8, reference numeral 42 and page 6, lines 9-15 and lines 17-18).

Embodiments of the claimed subject matter, such as those defined by claim 14, further define the serpentine belt tool of claim 13, comprising a crow foot wrench (see, e.g., Fig. 8, reference numeral 44, page 6, lines 16-21; page 7, line 4) defining one of a square shaped opening (see, e.g., Fig. 8, reference numeral 46, and page 6, lines 17-18) and a hexagonally shaped tang (see, e.g., Figs 5, 6 and 8, reference numeral 42 and page 6, lines 9-15 and lines 17-18) and an open end wrench (see, e.g., Fig. 8, reference numeral 48, and page 6, lines 18-21) to receive the idler pulley work piece.

Embodiments of the claimed subject matter, such as those defined by claim 15, further defining the serpentine belt tool of claim 12, wherein the wrench defines a hexagonally shaped box (see, e.g., Figs. 2, 3 and 8, reference numeral 20, and page 5, lines 1-5 and lines 18-20; page 6, line 4) at a first end opposite said ratcheting wrench.

Embodiments of the claimed subject matter, such as those defined by claim 16, further define the serpentine belt tool of claim 15, wherein hexagonally shaped box end couples to said drive bar (see, e.g., Figs 1 and 8 reference numeral 18 and page 4, lines 18-20; page 5, lines 1-5 and lines 18-20) and said ratcheting wrench releasably receives said socket (see, e.g., Figs 2-4, reference numerals 24 and 26, and page 5, lines 11-12).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The FINAL Office Action rejected claims 1, 4, 5, 7, 8, 9, 12, 13, 15 and 16 under 35 U.S.C. § 103(a) as allegedly obvious over the combination of *Brame* (“*Brame*,” U.S. Pat. No. 2,691,316) and in view of *Tuan-Mu* (“*Tuan-Mu*,” U.S. Pub. No. 2004/0035257) and *Stepp* (“*Stepp*,” U.S. Pat. No. 6,367,356).

The FINAL Office Action rejected claims 2, 6, 10 and 14 under 35 U.S.C. § 103(a) as allegedly obvious over the combination of *Brame* in view of *Tuan-Mu* and further in view of *Carrigan* (“*Carrigan*,” U.S. Pat. No. 4,337,860).

The FINAL Office Action rejected claims 3 and 11 under 35 U.S.C. § 103(a) as being unpatentable over *Brame* in view of *Tuan-Mu* and further in view of *Bennett, et al.* (“*Bennett, et al.*,” U.S. Pat. No. 5,368,164).

VII. ARGUMENT

A. Discussion of Art-Based Rejections Under 35 U.S.C. § 103(a) - (Independent Claims 1, 4, 9, and 12 and Corresponding Dependent Claims 2 through 3, 5 through 8, 10 through 11 and 13 through 16)

The FINAL Office Action has rejected claims 1 through 16 as allegedly unpatentable over the various combinations of references described in Section VI above. For at least the reasons set forth herein, Applicants respectfully traverse the rejections and request that the rejections be overturned.

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office (“USPTO”) has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual

to the claimed invention. *See in re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure.

Accordingly, to make a proper case for obviousness, there must be a prior art teaching or established knowledge that would suggest to a person having ordinary skill in the pertinent art to fill the voids apparent in the applied reference. In the present case, Applicants respectfully submit that no such case has been established.

Independent Claim 1, Dependent Claims 2 through 3

Claim 1 recites (with emphasis added):

1. A serpentine belt tool for removal and installation of a serpentine belt in a vehicle comprising:
 - a. *a drive bar having a handle at a first end and a fitting at an opposite second end, wherein said fitting is disposed at a fixed angle relative to said drive bar;*
 - b. a double box end wrench having
 - a first end defining a polygonally shaped opening that is sized and shaped to receive said drive bar fitting, and
 - an opposite second end defining a ratcheting wrench having a first plurality of teeth on an inner circumference thereof; and
 - c. a socket having
 - a first end defining a second plurality of teeth on an outer circumference thereof, *said socket second plurality of teeth being adapted to be received by said ratcheting wrench first plurality of teeth, and*
 - an opposite second end defining one of a polygonally shaped opening and a polygonally shaped tang adapted to be received by a work piece of a vehicle idler pulley,

wherein said drive bar handle is moveable between
a first direction that applies torque to the idler pulley work piece,
and
a second direction that causes said drive bar handle to move
relative to said socket.

Applicants respectfully submit that there is neither a suggestion nor motivation to make the proposed combination of *Brame* in view of *Tuan-Mu* and *Stepp*.

The Final Office Action states that it “would have been obvious to one having ordinary skill in the art to form the fitting of *Brame* as fixed to provide a simple, strong durable driver as taught by *Stepp*.” Applicants assert that not only is the proposed combination not obvious, but that *Brame* would actually lead one of ordinary skill in the art away from utilizing a drive bar with a fixed fitting in combination with the wrench disclosed therein.

Brame discloses a wrench body generally indicated by numeral 5 having an annular head 6 adapted to rotatably receive a ratchet head 7 and a shank 8 defining a square aperture 9 therethrough. Square aperture 9 is adapted to receive a pivoting squared end 10 of an extension handle 11. Squared end 10 pivots with respect to handle 11 about an axis transverse to the longitudinal axis of handle 11. *Brame* discloses that in order for the disclosed wrench to be of maximum utility, it should be constructed such that it has adequate strength without bulk. To this end, *Brame* provides that it is the primary objective of the invention to provide an improved ratchet wrench “constructed of a series of complementary stampings which are assembled in a manner to provide an extremely high torque value, thus greatly simplifying the construction and assembly of the wrench parts.” (column 1, lines 35-40). Moreover, *Brame* also provides that in order for the wrench to be of maximum utility, it should be capable of operating from various angles of approach. Thus, the pivoting nature of squared end 10 allows the wrench to be operated in restricted areas (column 1, lines 13-18).

Stepp discloses a tool driver, a preferred embodiment being shown in Figure 1 as wrench 10, including a handle 12 with a hand grip 14 at a first end and a tool driver 18 at the opposite end. Tool driver 18 includes a first drive 22 and a second drive 20, the first and second drives each having square cross-sections of different standard dimensions. Each of first drive 22 and second drive 20 is used to engage tool bits from different standard sized sets, i.e., a three-eighths inch set and a three-quarter inch set (column 4, lines 23-32). *Stepp* does not disclose, teach or suggest that tool driver 18 is useful in a capacity beyond that of driving tool bits which are used on fasteners.

Applicants contend that neither a suggestion nor a motivation exists in either *Brame* or *Stepp* to combine the wrench and handle of *Brame* and *Stepp*, respectively, since doing so would defeat one of the stated advantages of the base reference, that advantage being the ability of the *Brame* wrench to be operated from various angles of approach due to the pivoting nature of squared end 10 with respect to the extension handle. Applicants note that the extension handle 11 is only mentioned twice in *Brame*, at column 2, lines 22-25 and column 3, lines 68-69. Neither instance mentions the possibility of providing a fixed fitting on the extension handle. Applicants further contend that because one stated advantage of *Brame* is to have a wrench that is operable from various angles of approach in restricted areas, *Brame* would lead one of ordinary skill in the art away from forming squared end 10 at a fixed angle with respect to the extension handle. Thus, one of skill in the art would not be motivated to make the combination suggested by the Examiner.

Further, Applicants respectfully disagree with the assertion on page 2 of the Final Office Action that it “would have been obvious to one having ordinary skill in the art to form the device of *Brame* with a socket having teeth at one end for engagement with the ratchet

teeth of a ratchet wrench...to allow for the engagement of variously sized/shaped workpieces as taught by *Tuan-Mu*.” In responding to this same assertion when it was put forth in a prior Office Action (dated July 18, 2005), Applicant stated that “*Brame* fails to provide any suggestion or motivation to include the socket disclosed in *Tuan-Mu* with the wrench and extension disclosed in *Brame*, and also fails to suggest or motivate one of skill in the art to make such modifications since the *Brame* hub is shaped to work directly on a nut or fastener. Thus, the Examiner is using impermissible hindsight to combine the wrench and extension in *Brame* with the socket disclosed in *Tuan-Mu*.”

The Office Action, dated February 9, 2006, responds to Applicants’ assertions as follows:

In response to applicant’s argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, there is some teaching, suggestion, or motivation to do so found in the references themselves as highlighted, above.

The “motivation” referred to in the Office Action is that:

Tuan-Mu (paragraph [0038], figures 1, 9A-B, 10A-B) discloses a ratchet wrench having a plurality of teeth on an inner circumference thereof, and a socket having teeth at one end of the engagement with the ratchet teeth and a hexagonal socket at the opposite end. It would have been obvious to one having ordinary skill in the art to form the device of Brame with a socket having teeth at one end for engagement with the ratchet teeth of a ratchet wrench and having a hexagonal socket at the opposite end to allow for the engagement of variously sized/shaped workpieces as taught by Tuan-Mu. (Emphasis in original).

Applicants respectfully disagree that the above suggested motivation to combine the references exists.

Brame discloses a wrench body 5 having an annular head 6 adapted to rotatably receive a ratchet hub 7 and a shank 8 defining a square aperture 9 therethrough. Hub 7 has a central aperture 27 and is formed with a series of teeth which may vary in number depending on the type of nut to be operated on or the nature of the fitting with which it is to be used. More specifically, *Brame* recites that “central aperture 27 is provided in the hub 7 and is formed with a series of *nut-engaging surfaces or teeth* which may vary in number depending upon the type of nut to be operated upon or the nature of the fitting with which it is to be used.” (Column 3, lines 33-38). Clearly, *Brame* discloses that the wrench disclosed therein is used to directly engage fasteners with the teeth formed on the inner circumference of its hub 7.

Tuan-Mu discloses a ratcheting tool 10 having a head 14 and a handle 12 attached to the head. The head rotatably receives a gear ring 30 and receives a pawl 60 that is in operative engagement with the gear ring. Gear ring 30 includes keys 48 that are arcuate in cross-section. A socket 118, including a socket portion 120 and a post 122, may be inserted into gear ring 30. Post 122 includes a plurality of keyways 132 shaped corresponding to the keys 48 to facilitate its insertion into the center hole of gear ring 130.

The use of a socket according to *Tuan-Mu* in the wrench as taught in *Brame* would require that the wrench’s hub be modified to include arcuate keys in order to receive the socket. Motivation to combine these references does not exist wherein the wrench as taught in *Brame* would have to be modified such that its hub 7 was no longer configured to directly engage fasteners, as taught in *Brame*.

Because independent claim 1 is allowable and *Carrigan* and *Bennett, et al.* do not remedy the above described deficiencies, dependent claims 2 and 3 are allowable as a matter of law for at least the reason that the dependent claims 2 and 3 contain all elements of their

respective base claim. See, *e.g.*, *In re Pine*, 837 F.2d 1071 (Fed. Cir. 1988). Hence, Applicants respectfully request that the rejection to claims 2 and 3 be overturned.

Independent Claim 4, Dependent Claims 5 through 8

Claim 4 recites (with emphasis added):

4. A serpentine belt tool for removal and installation of a serpentine belt in a vehicle comprising:

a. *a drive bar having a fitting disposed thereon at a fixed angle relative to said drive bar;*

b. a socket adapted to be removably coupled to an idler pulley work piece; and

c. a double box end wrench having at least one ratcheting end, *said double box end wrench being adapted to be removably attached to said drive bar and said socket,*

wherein said drive bar handle is moveable between

a first direction that operates on the idler pulley work piece, and

a second direction that causes said drive bar handle to move relative to said socket.

For similar reasons presented above in association with claim 1, and in particular, the discussion pertaining to the unobviousness of the proposed combination, Applicants respectfully submit that the proposed combination of *Brame* in view of *Tuan-Mu* and *Stepp* is not obvious and request that the rejection to independent claim 4 be overturned.

Because independent claim 4 is allowable, dependent claims 5, 7 and 8 are allowable as a matter of law for at least the reason that the dependent claims 5, 7 and 8 contain all elements of their respective base claim. As well, because *Carrigan* does not remedy the above described deficiencies, dependent claim 6 is similarly allowable. See, *e.g.*, *In re Pine*, 837 F.2d 1071 (Fed. Cir. 1988). Hence, Applicants respectfully request that the rejection to claims 5 through 8 be overturned.

Independent Claim 9, Dependent Claims 10 through 11

Claim 9 recites (with emphasis added):

9. A serpentine belt tool for removal and installation of a serpentine belt in a vehicle comprising:

- a. a drive bar having a handle at a first end and a fitting at an opposite second end, wherein *said fitting is disposed at a fixed angle relative to said drive bar*;
 - b. a wrench having
 - a first end defining a hex shaped opening that is sized to releasably receive said drive bar fitting, and
 - an opposite second end defining a ratcheting wrench having a first plurality of teeth on an inner circumference thereof; and
 - c. a socket having
 - a first end defining a second plurality of teeth on an outer circumference thereof, *said socket second plurality of teeth being adapted to be releasably received by said ratcheting wrench first plurality of teeth, and*
 - an opposite second end defining one of a hexagonally shaped opening and a square shaped tang adapted to be received by a work piece of a vehicle idler pulley,
- wherein said drive bar handle is moveable between
- a first direction that applies torque to the idler pulley work piece, and
 - a second direction that causes said drive bar handle to move relative to said socket.

For similar reasons presented above in association with claim 1, and in particular, the discussion pertaining to the unobviousness of the proposed combination, Applicants respectfully submit that the proposed combination of *Brame* in view of *Tuan-Mu* and *Stepp* is not obvious and respectfully request that the rejection to independent claim 9 be overturned.

Because independent claim 9 is allowable and *Carrigan* and *Bennett, et al.* do not remedy the above described deficiencies, dependent claims 10 and 11 are allowable as a matter of law. Hence, Applicants respectfully request that the rejection to claims 10 and 11 be overturned.

Independent Claim 12, Dependent claims 13 through 16

Claim 12 recites (with emphasis added):

12. A serpentine belt tool for removal and installation of a serpentine belt in a vehicle comprising:

- a. *a drive bar having a fitting disposed thereon at a fixed angle relative to said drive bar*;

- b. a socket adapted to be removably coupled to an idler pulley work piece; and
- c. a wrench having at least one ratcheting end, said *wrench being adapted to be removably attached to said drive bar and said socket*,
wherein said drive bar handle is moveable between
 - a first direction that operates on the idler pulley work piece, and
 - a second direction that causes said drive bar handle to move relative to said socket.

For similar reasons presented above in association with claim 1, and in particular, the discussion pertaining to unobviousness of the proposed combination, Applicants respectfully submit that the proposed combination of *Brame* in view of *Tuan-Mu* and *Stepp* is not obvious and Applicants respectfully request that the rejection to independent claim 12 be overturned.

Because independent claim 12 is allowable dependent claims 13, 15 and 16 are allowable as a matter of law. As well, because *Carrigan* does not remedy the above described deficiencies, dependent claim 14 is similarly allowable. Hence, Applicants respectfully request that the rejection to claims 13 through 16 be overturned.

For at least the forgoing reasons, it is Applicants' position that a *prima facie* for obviousness has not been made against Applicants' claims, and thus the rejections to claims 1 through 16 should be overturned.

CONCLUSION

Based upon the foregoing discussion, Applicants respectfully request that the Examiner's final rejection of claims 1 through 16 be overturned by the Board, and that the application be allowed to issue as a patent with all pending claims 1 through 16.

In addition to the claims shown in the claims Appendix VIII, Appendix IX attached hereto indicates that there is no evidence being attached and relied upon by this brief. Appendix X attached hereto indicates that there are no related proceedings.

Please charge any additional fees or credit any overpayment to Deposit Account No.

50-1196.

Respectfully submitted,

NELSON MULLINS RILEY
& SCARBOROUGH, L.L.P.

A handwritten signature in black ink, appearing to read 'Ken Bruley', is written over a horizontal line.

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VIII. CLAIMS – APPENDIX

1. A serpentine belt tool for removal and installation of a serpentine belt in a vehicle comprising:
 - a. a drive bar having a handle at a first end and a fitting at an opposite second end, wherein said fitting is disposed at a fixed angle relative to said drive bar;
 - b. a double box end wrench having
 - a first end defining a polygonally shaped opening that is sized and shaped to receive said drive bar fitting, and
 - an opposite second end defining a ratcheting wrench having a first plurality of teeth on an inner circumference thereof; and
 - c. a socket having
 - a first end defining a second plurality of teeth on an outer circumference thereof, said socket second plurality of teeth being adapted to be received by said ratcheting wrench first plurality of teeth, and
 - an opposite second end defining one of a polygonally shaped opening and a polygonally shaped tang adapted to be received by a work piece of a vehicle idler pulley,wherein said drive bar handle is moveable between
 - a first direction that applies torque to the idler pulley work piece, and
 - a second direction that causes said drive bar handle to move relative to said socket.

2. The serpentine belt tool of claim 1, further comprising a crow foot wrench having a first end defining one of a polygonally shaped opening and a polygonally shaped tang therein that receives said one of said socket second end polygonally shaped tang and said polygonally shaped opening, and a second end having an open end wrench formed thereon to receive the idler pulley work piece.
3. The serpentine belt tool of claim 1, further comprising a blow molded case defining a plurality of recessed areas for receiving said drive bar, said double box end wrench and said socket of said serpentine belt tool.
4. A serpentine belt tool for removal and installation of a serpentine belt in a vehicle comprising:
 - a. a drive bar having a fitting disposed thereon at a fixed angle relative to said drive bar;
 - b. a socket adapted to be removably coupled to an idler pulley work piece; and
 - c. a double box end wrench having at least one ratcheting end, said double box end wrench being adapted to be removably attached to said drive bar and said socket, wherein said drive bar handle is moveable between
 - a first direction that operates on the idler pulley work piece, and
 - a second direction that causes said drive bar handle to move relative to said socket.
5. The serpentine belt tool of claim 4, said socket further comprising one of a polygonally shaped opening and a polygonally shaped drive tang.
6. The serpentine belt tool of claim 5, further comprising a crow foot wrench defining one of a polygonally shaped opening and a polygonally shaped tang therein that receives

said one of said socket second end polygonally shaped tang and said polygonally shaped opening, and an open end wrench to receive the idler pulley work piece.

7. The serpentine belt tool of claim 4, said double box end wrench defining a polygonally shaped box at a first end opposite said ratcheting wrench.
 8. The serpentine belt tool of claim 7, wherein said polygonally shaped box end couples to said drive bar and said ratcheting wrench releasably receives said socket.
 9. A serpentine belt tool for removal and installation of a serpentine belt in a vehicle comprising:
 - a. a drive bar having a handle at a first end and a fitting at an opposite second end, wherein said fitting is disposed at a fixed angle relative to said drive bar;
 - b. a wrench having
 - a first end defining a hex shaped opening that is sized to releasably receive said drive bar fitting, and
 - an opposite second end defining a ratcheting wrench having a first plurality of teeth on an inner circumference thereof; and
 - c. a socket having
 - a first end defining a second plurality of teeth on an outer circumference thereof, said socket second plurality of teeth being adapted to be releasably received by said ratcheting wrench first plurality of teeth, and
 - an opposite second end defining one of a hexagonally shaped opening and a square shaped tang adapted to be received by a work piece of a vehicle idler pulley,
- wherein said drive bar handle is moveable between

a first direction that applies torque to the idler pulley work piece, and

a second direction that causes said drive bar handle to move relative to said socket.

10. The serpentine belt tool of claim 9, further comprising a crow foot wrench having a first end defining one of a square shaped opening and a hexagonally shaped tang and a second end having an open end wrench formed thereon to receive the idler pulley work piece.
11. The serpentine belt tool of claim 9, further comprising a blow molded case defining a plurality of recessed areas for receiving said drive bar, said double box end wrench and said socket of said serpentine belt tool.
12. A serpentine belt tool for removal and installation of a serpentine belt in a vehicle comprising:
 - a. a drive bar having a fitting disposed thereon at a fixed angle relative to said drive bar;
 - b. a socket adapted to be removably coupled to an idler pulley work piece; and
 - c. a wrench having at least one ratcheting end, said wrench being adapted to be removably attached to said drive bar and said socket,wherein said drive bar handle is moveable between
 - a first direction that operates on the idler pulley work piece, and
 - a second direction that causes said drive bar handle to move relative to said socket.
13. The serpentine belt tool of claim 12, said socket further comprising one of a hexagonally shaped opening and a square shaped drive tang.

14. The serpentine belt tool of claim 13, further comprising a crow foot wrench defining one of a square shaped opening and a hexagonally shaped tang and an open end wrench to receive the idler pulley work piece.
15. The serpentine belt tool of claim 12, said wrench defining a hexagonally shaped box at a first end opposite said ratcheting wrench.
16. The serpentine belt tool of claim 15, wherein said hexagonally shaped box end couples to said drive bar and said ratcheting wrench releasably receives said socket.

IX. EVIDENCE - APPENDIX

(None)

X. RELATED PROCEEDINGS – APPENDIX

(None)